HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20322 of 2006

Date: 22nd November, 2006

Between :-

Kandulapati Bapi Raju .. Petitioner

And

The State of A.P. rep. by
Its Secretary to Panchayat Raj Department,
Andhra Pradesh, Hyderabad
And 4 others .. Respondents

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ORDER:-

1. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in not taking any action on the complaint of the petitioner and in not constructing the drainage canals on both sides of the road and in not raising level of the road on middle of it from the house of Kandula Venkata Rao leding to the Harijana Church as illegal, arbitrary and violative of principles of natural justice and violative of Articles 14 and 21 of the Constitution of India and also violative of provisions of the A.P. Panchayat Raj Act 1994 and Rules made there under and consequently direct the respondents to take action on the complaint of the petitioner to construct the drainage canals on both sides of the road by raising level of the road on middle of it from the house of Kandula Venkata Rao leading to the Harijan Church and to pass other suitable orders.

2. It is stated that the petitioner is a resident of Devaragopavaram village, Nidamarru Mandal, West Godavari District and three years back, the Gram Panchayat laid cement concrete road from the house of Kandulapati Venkata Rao to the Harijan Church. It is also

stated that normally, whenever any road is laid, the level at the centre of the road is high and sides is low so that any water or drainage shall equally go to both sides and it will not stagnate in any one side of the road, but at the time of laying the road, due to political rivalries, the said cement road was laid by the Gram Panchayat by completely keeping low level on one side where the house of the petitioner is situated. As a result, the drainage water from the house of the other side of the road is coming to the house of the petitioner and due to lack of drainage system, the same is stagnating around the petitioner's house and becoming a breeding place for mosquitoes and House flies and causing much inconvenience and unhygienic condition. It is also stated that the petitioner has been making requests and representations in this regard to the respondents. It is further stated that the petitioner made representations on 9-6-2006 and 7-8-2006 to respondents 2 and 3 requesting them to take action. It is also stated that the 2nd respondent forwarded the representation dt.9-6-2006 to the 3rd respondent vide R.O.C.No.952/GC6/2006 dated 12-6-2006 and requested him to send action taken report immediately and the 3rd respondent vide Memo No.2834/2006-A3(PR) dated 30-6-2006 requested the 4th

respondent to enquire into the matter and submit report immediately. Again, the 2nd respondent vide R.O.C.No.952/GC6/2006/GEN dated 7-8-2006 forwarded the representation dt.7-8-2006 to the 3rd respondent and requested him to send the action taken report in the matter urgently and the 3rd respondent thereafter vide Memo No.2834/2006-A3 (PR) dt.23-8-2006 and 14-9-2006 requested the 4th respondent to enquire into the matter and to submit a detailed report. It is stated that the 4th respondent had neither enquired into the matter nor submitted any report inspite of the clear repeated orders from the 3rd respondent. It is also stated that inspite of repeated reminders and orders from the higher authorities, the 4th till today had not conducted any enquiry nor submitted any report to 2nd and 3rd respondents. Inasmuch as no action is taken, the petitioner is suffering a lot.

3. The 5th respondent filed counter affidavit. It is stated that the representation of the petitioner was considered by the District Panchayat Officer and directed the Gram Panchayat to take appropriate action vide Memo No.2834/2006 and in pursuance of the directions of the District Panchayat Officer, the Gram Panchayat tried

to repair the drain, the villagers objected for repairing the drain by submitting a representation. It is also stated that as there is a dispute in between the villagers and the Gram Panchayat regarding the width of the road, the Mandal Revenue Officer was requested to conduct a survey so as to enable the Gram Panchayat to lay the side drain. It is further stated that a copy of the letter and the statements of the villagers are filed herewith and therefore, it is totally false to say that the representation of the writ petitioner was not considered. It is also further stated that as and when the survey is over and demarcated the panchayat land, the side drain will be laid. It is further stated that apart from that, a letter was also addressed to the Engineering Department to prepare estimates for leveling the road and to lay side drain the existing RCC road. It is also stated that when the survey is completed and after receiving the estimates from the Engineering Department, appropriate steps will be taken for leveling the road and to lay drain subject to availability of funds in the Gram Panchayat.

4. In the light of the stand taken in the counter affidavit referred to supra, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondents to take appropriate action in relation to the representations already said to have been considered in

accordance with law at an early date. With the above observation, the Writ Petition is disposed of accordingly. No order as to costs.

Justice P.S.Narayana

22nd November, 2006

smr